



USDA Publishes Final Rule for Hemp Production

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MADISON — The U.S. Department of Agriculture (USDA) has published a final rule for the establishment of a domestic hemp production program, effective Monday, March 22. While Wisconsin will continue operating under the provisions of the 2014 Farm Bill through 2021, the state’s Department of Agriculture, Trade and Consumer Protection (DATCP) is working to establish an emergency rule that will allow growers to take advantage of some provisions of the final rule this year.

DATCP anticipates publishing the emergency rule in May. In accordance with the federal final rule, the department’s emergency rule will provide a pathway for hemp growers to remediate their crop if an initial regulatory THC test identifies that the crop exceeds the regulatory limit of 0.3% total delta-9 THC. While the remediation options are limited to certain federally permitted methods, they do provide an alternative to crop destruction. This will help reduce the risk of being suspended from the program due to elevated delta-9 THC levels, which is not uncommon as growers continue to learn about hemp and evaluate its different varieties.

The new federal rule also caps negligent violations at one per year. In addition, sampling of hemp plants can now include the sampling of the top 8 inches of the plant, versus the top 2 inches.

DATCP recommends that growers review the information on the USDA website at <https://www.ams.usda.gov/rules-regulations/hemp> and on the DATCP website at https://datcp.wi.gov/Pages/Programs_Services/HempLicensing.aspx.

Learn more about Wisconsin’s hemp industry at DATCP’s hemp data page: https://datcp.wi.gov/Pages/Programs_Services/HempData.aspx

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